

REMARKS

The final Office Action mailed on July 9, 2008, has been received and its contents carefully considered. Indication that claims 2-8, 12, 15, 18, 22-25, 45, and 46 are allowable and that the previous objections and rejections have been withdrawn is noted with thanks.

Claims 1, 9-11, 13, 14, 16, 17, 19, 21, 26-37, 39, 40, 42 and 43 have been amended herein to overcome the formal objections and rejections thereof. Amendments to claims 19 and 26-37 to delete recitation of the various "derivatives" has been made to place these claims in allowable condition in this Application but is submitted to be made without disclaimer of the subject matter thereof and without prejudice to the filing of a Continuing Application directed thereto. To the best of the undersigned attorney's information and belief, these changes contain no new matter for the reasons given in the remarks which follow.

Entry of this Amendment After Final Rejection is respectfully requested because this amendments made herein are submitted to resolve the remaining formal issues raised by the Examiner without raising any new issues which would require further consideration or a further search of the prior art.

Claims 1-40, 42, 43, 45 and 46 are pending in the Application and all are submitted to be in allowable condition. Claims 1 and 21 are written in independent form.

I. The formal objection to claims 1 and 21 is submitted resolved by the claim changes made herein to claims 1 and 21.

Claims 1 and 21 have been amended in accordance with the Examiner's suggestion so that this formal objection is submitted resolved.

II. The rejection of claims 9-11, 13, 14, 16, 17, 27-29, 31, 32, 34, 35, 39, 40, 42, and 43 under U.S.C. §112, second paragraph, is submitted resolved by the claim changes made herein.

These claims have been amended to change the lower value of the claimed mole % range to "at least 20 mole %" in order to agree with independent claims 1 and

21 which recite the limitation "one or more hydrophobic substances incorporated in the liposome in an amount of at least 20 mole%". This change is submitted to resolve the antecedent basis issue raised by the Examiner.

III. The rejection of claims 19, 20, and 26-38 under U.S.C. §112, second paragraph, is submitted resolved by the claim changes made herein.

Claims 19 and 26-37 have been amended to delete recitation of the various "derivatives" which is submitted to resolve the indefiniteness issued raised by the Examiner. This change has been made without disclaimer of the subject matter thereof and without prejudice to the filing of a Continuing Application directed thereto, however.

CONCLUSIONS

In view of the foregoing amendments and arguments, it is submitted that claims 1-40, 42, 43, 45 and 46, and the Application are in condition for allowance. Such action and the passing of this case to issue are requested.

Should the Examiner consider that a conference would help to expedite the prosecution of this Application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

No fee is believed due. If any fee is deemed due, the Commissioner is hereby authorized to charge the same to our Deposit Account No, 18-0002 and is requested to advise us accordingly.

Respectfully submitted,



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